

1 Katherine G. Rubschlager (SBN 328100)
Email: katherine.rubschlager@alston.com
2 **ALSTON & BIRD LLP**
1950 University Avenue, Suite 430
3 East Palo Alto, CA 94303
T: 650-838-2000
4 F: 650-838-2001

5 M. Scott Stevens (*pro hac vice* forthcoming)
Email: scott.stevens@alston.com
6 **ALSTON & BIRD LLP**
101 South Tryon Street
7 Bank of America Plaza
Suite 4000
8 Charlotte, NC 28280
T: 704-444-1000
9 F: 704-444-1111

10 Deron R. Dacus (*pro hac vice* forthcoming)
11 **THE DACUS LAW FIRM, P.C.**
821 ESE Loop 323, Suite 430
Tyler, TX 75701
12 Telephone: (903) 705-1171
Facsimile: (903) 581-2543
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14 *Counsel for Defendants Nokia Corp.,*
Nokia Solutions and Networks Oy, and
15 *Nokia of America Corp.*

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**
18

19
20 *IN RE SUBPOENA TO ZYXEL*
COMMUNICATIONS, INC.

21 Served in case:
22 *TQ Delta, LLC v. Commscope Holding*
Company, Inc., Commscope Inc., Arris
23 *International Limited, Arris Global*
Ltd., Arris US Holdings, Inc., Arris
24 *Solutions, Inc., Arris Technology, Inc.,*
and Arris Enterprises, LLC, No. 2:21-
25 *cv-310-JRG (E.D. Tex.) (Lead Case),*

26 *Nokia Corp., Nokia Solutions and*
Networks Oy, and Nokia of America
27 *Corp., No. 2:21-cv-309-JRG (E.D.*
Tex.) (Member Case).
28

Misc. Case No. 2:22-mc-168

**DECLARATION OF KATHERINE
RUBSCHLAGER IN SUPPORT OF
DEFENDANT NOKIA'S MOTION TO
COMPEL OUT OF DISTRICT
SUBPOENA AGAINST ZYXEL
COMMUNICATIONS, INC.**

1 I, Katherine G. Rubschlager, make the following declaration:

2 1. I am an attorney licensed to practice law in the State of California. I am
3 an Associate at the law firm of Alston & Bird LLP and Counsel for Defendants Nokia
4 Corp., Nokia Solutions and Networks Oy, and Nokia of America Corp. (collectively
5 “Nokia”). I am over 18 years of age and am competent to testify as to the matters set
6 forth herein. I make the following declaration based on my own personal knowledge,
7 unless expressly stated otherwise.

8 2. Attached hereto as **Exhibit A** is a true and correct copy of Nokia’s
9 subpoena to ZyXEL Communications, Inc. (“ZCI”), issued on January 3, 2022.

10 3. Attached hereto as **Exhibit B** is a true and correct copy of correspondence
11 from Nokia to TQ Delta, dated December 9, 2021, requesting all documents identifying
12 entities authorized or licensed to practice any of the claims of the Asserted Patents, or
13 to make, use, sell, offer to sell, or import into the United States a product that practices,
14 or is alleged by TQ Delta to practice, any claim of the Asserted Patents.

15 4. Attached hereto as **Exhibit C** is a true and correct copy of the Settlement
16 and Patent License Agreement, dated December 27, 2019, between TQ Delta and ZCI
17 (through its parent company, ZyXEL Communications Corp.), produced by TQ Delta
18 on January 28, 2022.

19 5. Attached hereto as **Exhibit D** is a true and correct copy of ZCI’s
20 Objections and Responses to the Subpoena, served on January 13, 2022.

21 6. I understand that Nokia, through counsel, sent a letter to ZCI on January
22 19, 2022 requesting a meet and confer regarding ZCI’s objections. On January 24,
23 2022, I understand that ZCI responded that it would be willing “to try to understand
24 through direct communication between counsel . . . what [Nokia’s] reasonable needs
25 may be.” I further understand that Nokia, through counsel—Mr. Dacus of the Dacus
26 Firm, P.C.—met and conferred with counsel for ZCI, where he reiterated Nokia’s
27 requests for worldwide sales information. I understand that ZCI refused such a request.
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1 Subsequent to that meeting, Mr. Dacus attempted to contact ZCI on numerous other
2 occasions in an attempt to reach an agreement. ZCI ignored all requests. Accordingly,
3 I understand the Parties were unable to resolve the dispute.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct.

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7 Executed on August 19, 2022

8 /s/ Katherine G. Rubschlager

9 Katherine G. Rubschlager
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